

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CR-66-D
No. 5:14-CV-294-D

JEROME MAUREASE JONES,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

On September 19, 2013, this court denied Jerome Maurease Jones's ("Jones") motion to vacate, set aside, or correct his sentence and denied relief under 28 U.S.C. § 2255. See [D.E. 43]. On May 23, 2014, Jones filed another section 2255 motion and again asked for relief under 28 U.S.C. § 2255. See [D.E. 45]. Jones, however, failed to obtain the required authorization from the United States Court of Appeals for the Fourth Circuit before filing his latest section 2255 motion. See 28 U.S.C. § 2244(3)(A) ("Before a second or successive [habeas corpus application] is filed in the district court, the applicant shall move the appropriate court of appeals for an order authorizing the district court to consider the application"); see, e.g., Burton v. Stewart, 549 U.S. 147, 152–53, 157 (2007) (per curiam); United States v. MacDonald, 641 F.3d 596, 603–04 (4th Cir. 2011); United States v. Winestock, 340 F.3d 200, 206–07 (4th Cir. 2003); In re Vial, 115 F.3d 1192, 1194–95 (4th Cir. 1997) (en banc). Accordingly, this court lacks jurisdiction to review the section 2255 motion. Thus, the section 2255 motion is dismissed, and Jones may seek authorization from the Fourth Circuit.

A certificate of appealability shall not issue absent “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2) (2000). A petitioner satisfies this standard by demonstrating that reasonable jurists would find that an assessment of the constitutional claims is debatable and that any dispositive procedural ruling dismissing such claims is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). A reasonable jurist would not find this court’s dismissal of Jones’s section 2255 motion debatable. Accordingly, the court DISMISSES the motion [D.E.45] and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c). As for Jones’s latest request for relief under 28 U.S.C. § 2255, the court DENIES relief for the reasons stated in its September 19, 2013 order. See [D.E. 43].

SO ORDERED. This 17 day of July 2014.


JAMES C. DEVER III
Chief United States District Judge